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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,283	03/12/2001	Arvind Halliyal	F0601	7472

7590 10/22/2003
Himanshu S. Amin
Amin & Turocy, LLP
National City Center, 24th Floor
1900 East Ninth Street
Cleveland, OH 44114

EXAMINER

ANYA, IGWE U

ART UNIT	PAPER NUMBER
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2825

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/804,283

Applicant(s)

HALLIYAL ET AL. 

Examiner

Igwe U. Anya

Art Unit

2825

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-9,11-17,20,21 and 24-26 is/are rejected.
- 7) ☒ Claim(s) 2,3,10,18,19,22 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 4 – 9, 11 – 17, 20, 21, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Hause et al. (US Patent 6166354).
2. Hause et al. teach an integrated system for analyzing sheet resistivity of a layer on a wafer and for controlling RTA of the layer (fig. 1), comprising heating lamps (120), sheet analyzing device (140), a feed back generator (160) that receives information to control the heating lamps as a function of the information (col. 4 lines 50 – 67). The feed back generator controls the heating time and heating temperature (col. 5 lines 1 – 13, & col. 6 line 37 – col. 7 line 7).
2. Claims 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Spraggins et al. (US Patent Number 5466484).
3. Spraggins et al. teach a data packet (fig. 6) with information related to sheet resistivity, and feedback information to control RTA (col. 6 line 17 – col. 7 line 61).

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4. Claims 2, 3, 10, 18, 19, 22, 23 are objected to as being dependent upon a rejected claim but would be allowable if rewritten in independent form.

Remarks

5. The examiner has reviewed prior art in light of applicant's comment and finds some it persuasive. However, a new reference is used to reject claims 24 to 26. Furthermore, the recitation "adapted to" perform a function is not a positive limitation, but only requires the ability to so perform. It does not constitute a limitation in a patentable sense. In re Hutchison, 69 USPQ 138. Hause et al. teach in fig. 4 teach analyzing surface charge and using the feedback to control a rapid thermal anneal. The resistivity (ρ) is related to the surface charge and voltage through:

$R = \rho L/A = V/I = Vt/Q$; where R is the resistance, V is the voltage, and Q is charge.

Therefore, the instantaneous resistivity can be derived in the analyzer.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igwe U. Anya whose telephone number is (703) 308-3549. The examiner can normally be reached on M - F 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Smith can be reached on (703) 308-1323. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Igwe U. Anya
Examiner
Art Unit 2825

IA

October 19, 2003

A handwritten signature in black ink, appearing to read "Matt Smith", is written above the printed name.

MATTHEW SMITH
SOFTWARE PATENT EXAMINER
TECHNOLOGY CENTER 2800